

FILED

AUG 12 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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6 Long-Term Disability Plan

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 CARA A. BURKE,

13 Plaintiff,

14 vs.

15 PITNEY BOWES INC.
16 LONG TERM DISABILITY PLAN,

17 Defendant.

Case No.: C 04-04483 MHP

**JOINT STIPULATION FOR BRIEFING
SCHEDULE RE CROSS MOTIONS FOR
SUMMARY JUDGMENT**

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19 WHEREAS, on February 28, 2005, the Defendant the Pitney Bowes Inc. Long-Term
20 Disability Plan and Plaintiff Cara A. Burke (collectively, the "Parties") appeared before the Court
21 for this matter's Case Management Conference;

22 WHEREAS, at that time, the Court ordered the Parties to file simultaneous dispositive
23 briefs on the proper standard of review;

24 WHEREAS, on May 17, 2005, the Parties filed a Joint Stipulation for Modification of
25 Briefing Schedule to permit the Parties to respond to the opposing party's brief;

26 WHEREAS, on May 18, 2005, the Court entered an order for modification of briefing
27 schedule;

28 WHEREAS, on August 8, 2005, the Court ruled that it will review Defendant's decision

1-SF-7271264.1

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JOINT STIPULATION FOR BRIEFING SCHEDULE
RE CROSS MOTIONS FOR SUMMARY JUDGMENT

Case No.: C 04-04483 MHP

1 to deny Plaintiff's claim for disability benefits under an abuse of discretion standard;

2 NOW, THEREFORE, pursuant to Local Rule 6-2, the Parties stipulate through their
3 undersigned counsel of record, and respectfully request the Court to order, as follows:

4 1. Each party shall file a motion for summary judgment on October 12, 2005.

5 2. Each party shall file a response brief on October 26, 2005.

6 3. The Parties request oral argument be set for November 14, 2005 at 2:00 p.m. or as soon
7 thereafter as this matter may be heard by the Court.

8 This stipulation affects no date previously set by the Court.

9 Respectfully submitted,

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11 Dated: August 11, 2005

MORGAN, LEWIS & BOCKIUS LLP

12
13 By 

14 Nicole A. Diller
15 Andrew C. Sullivan
16 Attorneys for Defendant Pitney Bowes Inc.
Long-Term Disability Plan

17 Dated: August 11, 2005

ROBOOSTOFF & KALKIN

18
19 By 

20 Constantin V. Roboostoff
21 Attorneys for Plaintiff Cara A. Burke

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 

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25 By 

26 Honorable Marylyn H. Patel
27 United States District Court Judge
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